

REMARKS

Reconsideration of the application is respectfully requested.

Claim Objection

Claims 1, 9 and 15 were objected to because of minor informalities. For consistency with other dependent claims, “client” is amended to read “client host” and “server” is amended to read “server host” as suggested in the Office Action.

Restrictions/Election

The Office Action withdrew claims 15-20 as allegedly being directed to a different invention. The Office Action remarks that independent claim 15 has been significantly amended, and is thus directed to a distinct invention, prompting a restriction requirement. Without agreeing with the Office Action, applicant in this reply is responding to the rejection of the examined claims 1-14. For example, it is not clear why the same amendment, namely, “enabling the client to communicate with a different server that is using a different version of the first network application and allowing the client to download the different version of the same first network application from the different server, wherein the client is allowed to communicate simultaneously with one or more different servers even if the different servers are running different versions of the same first network application”, made to claims 1, 9 and 15 in applicant’s previous response, would now by dint of that amendment render claim 15 and its dependent claims to be of different invention than claims 1 and 9 and their respective dependent claims.

Claim rejection – 35 U.S.C. §112, 1ST paragraph

The Office Action rejected claims 1-14 under 35 U.S.C. §112, 1st paragraph as allegedly not complying with the written description. While not agreeing with the merits of the rejection, independent claims 1 and 9 are being amended to recite “client-side code” to further clarify what is being claimed. The examiner is respectfully requested to withdraw the rejection in view of the amendment.

Claim rejection – 35 U.S.C. §103

The Office Action rejected claims 1-14 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,212,548 to DeSimone et al. (“DeSimone”) in view of paragraph [0002] of the originally submitted application (“APA”). Applicant respectfully disagrees.

DeSimone and APA do not disclose or suggest every element claimed in independent claims 1 and 9. For example, the Office Action alleges that DeSimone in col. 4, lines 3-37 discloses “enabling the client to communicate with a different server that is using a version of the first network application and allowing the client to download second software of the version of the same first network application from the different server.” DeSimone as understood by applicant discloses plurality of real-time chat sessions. DeSimone, particularly, in col. 4, lines 3-37 discuss that different terminals 105-i is connected to an associated server and that in typical operation, the terminals execute client software for cooperating with server software running on a respective server to enable chat functionalities. DeSimone in that passage also refers to a version of the Internet Relay Chat (IRC) Protocol for chat implementations and allude to other implementations of various chat functionalities. That section of DeSimone or anywhere else,


however, does not disclose or suggest that its terminal downloads different versions of the same software or that those mentioned different implementations of various chat functionalities are used by a terminal simultaneously to communicate with different servers.

For at least this reason, independent claims in the present application are not obvious over DeSimone and APA. Similarly, the dependent claims by virtue of their dependencies are unobvious over DeSimone and APA.

Further, while paragraph [0002] of the originally submitted specification discusses that different servers may run different versions of an application, a person of ordinary skill in the art would not look to DeSimone that describes multiple chat sessions to arrive at the claimed invention.

In view of the foregoing, Applicant respectfully requests reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course.

Respectfully submitted,



Eunhee Park
Registration No. 42, 976

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, N.Y. 11530
(516) 742-4343

EP:me